REMARKS/ARGUMENTS

Applicants have amended their claims to more particularly point out their claimed subject matter, and request the Examiner to reconsider and allow this case in view of the claim amendments and the following remarks.

Applicants' patent application is directed to a particular methodology and emulator for using a "target computing device" to emulate a handheld video game device. As described in applicants' patent application, such technology can be used for example to allow airline passengers to play video games in flight on "seat back" or other displays. See Figure 1B. Other contexts may involve for example use of a personal digital assistant (see Figure 1D) to emulate a handheld video game system.[1]

Applicants have amended their independent claims to recite additional features concerning certain aspects of their disclosed illustrative non-limiting exemplary implementation, Support for the new recitations may be found for example in paragraphs [59] and [91] et seq (modeling handheld video game computing device display timing) and paragraph [89] (duplicate ROM page portions to facilitate page selection and reduce page swapping). The newly added recitations patentably distinguish the claimed subject matter over the applied references.

With respect to the feature recited in claim 1 of modeling handheld video game computing device display timing, the Examiner previously relied on Snes9x in

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[1] Certain organizations have taken the position that hobbyists and entrepreneurs should be free to develop and exploit interoperable emulation platforms without restraint from intellectual property (see attached printouts from the Electronic Frontier Foundation website). But software piracy facilitated by emulator and other technology is a serious problem worldwide -- see e.g., attached pages from Entertainment Software Association and from the International Trade Association, US Department of Commerce.

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combination with Nishiumi et al to argue the "obviousness" of dependent claim 18.

Specifically, the Examiner contended that Nishiumi's real "liquid crystal display

controller can be thought of as a virtual liquid crystal display controller state machine."

See top of page 7 of the Office Action. Applicants do not understand this statement.

Nishiumi's real LCD controller 61 shown in Figure 11 and discussed for example

beginning at the bottom of column 10 is being used to control Nishiumi's real liquid

crystal display. How can a real LCD controller be a virtual LCD controller state

machine or thought of as such? Applicants respectfully submit that the Examiner may

be engaging in impermissible hindsight reconstruction of applicants' claimed subject

matter. This is not an appropriate way to establish a prima facie case of obviousness.

See e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351 [60 USPQ2d 1001]

(Fed. Cir. 2001) ("To prevent hindsight invalidation of patent claims, the law requires

some 'teaching, suggestion or reason' to combine cited references.") (quoting *Gambro*

Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573 [42 USPQ2d 1378] (Fed. Cir.

1997)).

   Applicants also respectfully traverse the Examiner's rejection of dependent claim

33 in view of SNES9x, Nishimoto and Munshi. The abstract of Nishimoto supplied by

the Examiner from the EAST system seems to be missing some words. The EPO

website provides the following abstract which is consistent with the Examiner's

statement of relevance on page 15 of the Office Action:

> PURPOSE:To smoothly display animation pictures without
> rewriting graphic display data written in an overlay frame
> buffer. CONSTITUTION:By making the capacity of an
> overlay frame buffer 3 larger than a display area of a one-
> screen portion, and also, changing a position of a display

area 8 in the overlay frame buffer 3 by an overlay scan
address generating circuit 6 independently of a main frame
buffer 2, graphic display data written in the overlay frame
buffer 5 can be moved smoothly by a scan timing on a
screen of a CRT 1.

What Mishimoto appears to describe is a display system having multiple

"overlay" frame buffers that are combined together to generate a combined display.

See Figure 1 below showing a circle and star from one frame buffer displayed on the

same CRT screen as a triangle stored in another frame buffer:
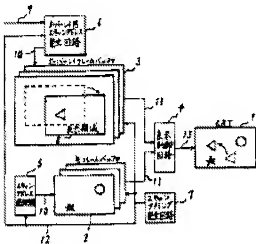
Nishimoto appears to be saying that by making the size of his frame buffer

storing the triangle <u>larger</u> than the display screen, it is possible to X-Y scroll a viewport

within this larger frame buffer to cause the triangle to appear to move on the CRT

<u>without the need to rewrite the frame buffer</u>. In contrast, applicants' claim 33

specifically requires a "BITBLIT" for rewriting at least a portion of the frame buffer with

new information. Applicants respectfully submit that Nishimoto's approach – at least as

can be understood from the abstract and the drawings – thus teaches <u>away</u> from a

bitblit approach and that there is no teaching, suggestion or motivation to combine

teachings along the line of applicants' claimed subject matter recited in claim 33.

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Finally, the various claim amendments cure the indefiniteness issues the Examiner raised in the last Office Action. Applicants are willing to address any additional indefiniteness issues the Examiner may see.

All outstanding issues have been addressed and this application is in condition for allowance. Should any minor issues remain outstanding, the Examiner should contact the undersigned at the telephone number listed below so they can be resolved expeditiously without need of a further written action.

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Respectfully submitted,

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